

AMENDING SENATE RESOLUTION 28 TO IMPLEMENT
CLOSED CAPTION BROADCASTING FOR HEARING-IM-
PAIRED INDIVIDUALS OF FLOOR PROCEEDINGS OF THE
SENATE

JUNE 16 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. FORD, from the Committee on Rules and Administration,
submitted the following

REPORT

[To accompany S. Res. 13]

The Committee on Rules and Administration, having considered Senate Resolution 13, a resolution to amend Senate Resolution 28, agreed to February 27, 1986, to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate reports favorably thereon with an amendment in the nature of a substitute, and recommends that the resolution, as amended, do pass.

BACKGROUND AND PURPOSE

The purpose of this resolution is to provide closed captions with the televised broadcast of the floor proceedings of the United States Senate for the benefit of hearing-impaired individuals.

Senate Resolution 13 was introduced by The Honorable Robert Dole, a U.S. Senator from the State of Kansas, on January 25, 1989, for himself and for The Honorable George J. Mitchell, a U.S. Senator from the State of Maine; The Honorable John McCain, a U.S. Senator from the State of Arizona; The Honorable Tom Harkin, a U.S. Senator from the State of Iowa; The Honorable Pete Wilson, a U.S. Senator from the State of California; The Honorable Patrick Leahy, a U.S. Senator from the State of Vermont; The Honorable Dave Durenberger, a U.S. Senator from the State of Minnesota; The Honorable John C. Danforth, a U.S. Senator from the State of Missouri; The Honorable Frank H. Murkowski, a U.S.

Senator from the State of Alaska; The Honorable Rudy Boschwitz, a U.S. Senator from the State of Minnesota; The Honorable Orrin Hatch, a U.S. Senator from the State of Utah; and The Honorable Jim Jeffords, a U.S. Senator from the State of Vermont.

As introduced, the resolution amends the first section of Senate Resolution 28, agreed to February 27, 1986, the resolution that provides for televised coverage of the floor proceedings of the United States Senate, by requiring that all coverage under Senate Resolution 28 be broadcast with closed captions. Closed captioning is the process by which the audio portion of a televised program is converted to written words, which then appear on the television screen in a form similar to subtitles. Closed captions can be seen only when a decoder is connected to the television set. Closed captions included in a broadcast enable persons with a special caption decoder device to view the printed text of words as they are being spoken during the broadcast. Captions are primarily for the benefit of hearing impaired individuals, but are also useful to persons learning to read or learning English as a second language.

The first closed captioned broadcasts were aired in 1980. Demand and use has grown from 832 hours then to over 13,000 hours of captioned programming in 1987. It is estimated that 585,000 people in 150,000 homes had decoders by the end of 1987. Because Senate proceedings are, for the most part, broadcast on cable TV, it is significant to note that 72 percent of caption decoder owners are cable TV subscribers. In 1988, more than 5,200 hours of captioned programming were available on cable TV. Currently, most major public interest programming is closed captioned, including network news programs, major congressional hearings, major sporting events, and other cultural and public affairs programming.

During the 100th Congress, on October 21, 1987, a hearing was held on this topic. Testimony was received from the following:

The Honorable Tom Harkin, a U.S. Senator from the State of Iowa;

Pat Johnson, staff director, Commission on Education of the Deaf;

Edwin A. Martin, president, Human Resources Center;

A panel consisting of Robert R. Davila, vice president, Gallaudet University; and Jack R. Gannon, executive secretary, Gallaudet University Alumni Association;

A panel consisting of William C. Oliver, president, National Shorthand Reporters Association; Gary Olsen, executive director, National Association of the Deaf; Frank Sullivan, former president, National Fraternal Society of the Deaf; and

A panel consisting of John D. Ball, president, National Captioning Institute, accompanied by Edward Carney; Franklin D. Smith, president, Advanced Technical Concepts, Inc.; Robert F. Mawhinney, chairman, Xscribe, Corporation, accompanied by Rebecca A. Amroian; and Robert Daniels, director of marketing, Captioning Concepts, Inc.

Submitted statements were received from:

The Honorable John W. Warner, a U.S. Senator from the State of Virginia;

The Honorable Lowell P. Weicker, Jr., a U.S. Senator from the State of Connecticut;

The Honorable Rudy Boschwitz, a U.S. Senator from the State of Minnesota;

William E. Castle, vice president, Rochester Institute of Technology;

Donna MacCord Dickman, executive director, Alexander Graham Bell Association for the Deaf, Inc.;

John W. Hudson, Jr., superintendent, Kentucky School of the Deaf; and

Howard E. Stone, Sr., executive director, Self Help for Hard of Hearing People, Inc.

Also in the 100th Congress, on October 11, 1988, Senate Resolution 493, the text of which was identical to that of Senate Resolution 13, was introduced by Senator Dole and was referred to the Committee on Rules and Administration. Because only eleven days remained in the 100th Congress, no action was taken on Senate Resolution 493.

In the 101st Congress, additional statements in support of Senate Resolution 13 have been received from the following:

Alexander Graham Bell Association for the Deaf, Inc., and Self Help for hard of Hearing People, Inc., together with a resolution in support of captioning from the Council of Organized Representatives, which is comprised of eleven organizations representing hearing impaired people, and with a petition signed by 208 hearing impaired individuals urging that the proceedings of the Senate and the House of Representatives be captioned.

All of the testimony and all of the submitted statements were in support of closed captioning Senate floor proceedings. In addition, representatives of the hearing-impaired community and agencies and companies experienced in captioning have consistently stressed that captioning should be full, verbatim coverage. That is, it should be neither selective by topic nor summarized.

The Committee established a Task Force to examine closed captioning and to recommend a course of action to the Committee. The Task Force was comprised of staff from the Committee, the Office of the Secretary of the Senate, the Office of the Sergeant at Arms of the Senate, and the Architect of the Capitol. The Committee accepted the recommendations of the Task Force.

THE COMMITTEE AMENDMENT

The Committee's amendment in the nature of a substitute does not change the purpose, nature, or extent of coverage of Senate Resolution 13 as introduced. The Committee's amendment only provides additional direction in the manner in which the captioning is to be performed.

The Committee's amendment provides for the closed captioning of the Senate floor proceedings to be performed by the Department of Education, operating under contract to the Secretary of the Senate. The Department of Education is designated because it is the central authoritative body in this field. The Department's authorizing legislation for this program (The Education and Handicapped Act, as amended by Public Law 99-457, Part F, Section 652 (20 U.S.C. 1451-1453)), contains a broad legislative mandate to caption visual material. As a result, the Department is a major pro-

active force behind captioning of the news, public affairs events, sporting events, other broadcasts, and films.

The Department has the necessary expertise and experience to provide captioning through its grant and contract procedures under the Media Services and Captioned Films Program. This program is carried out by the Captioning and Adaptation Branch within the Office of the Assistant Secretary for Special Education and Rehabilitative Services. The Department also has the established liaison with the deaf community through a network of external advisory groups which ensure that the Department's programs are meeting the needs of the people they are intended to serve.

COMMITTEE FINDINGS

The Committee on Rules and Administration finds that the most effective and economical way for the Senate to proceed would be to provide funds to the Department of Education which they would disburse to captioning organizations through their grant and contract procedures. The organization actually providing the captioning service would pick up the uncaptioned "feed" from the Senate, add the captioning in real time, and transmit the captioned signal back to the source for broadcasting. This is how the network news is now captioned.

The Committee is aware that this will not be without difficulty. Senate proceedings differ from other material that is now being captioned in several respects. The most significant difference is the breadth of subject matter and fluidity of debate, wherein topics can be brought up at any time that the captioners were not expecting. In addition, the tolerance for error will be lower for Senate proceedings than for most other broadcast material.

COST ESTIMATE

It is estimated that passage of Senate Resolution 13 would cost approximately \$1 million per year. A cost estimate prepared by the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 9, 1989.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Senate Resolution 13.
 2. Bill title: A resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.
 3. Bill status: As ordered reported by the Senate Committee on Rules and Administration, June 8, 1989.
 4. Bill purpose: Senate Resolution 13 would institute closed captioning for the hearing-impaired for televised coverage of Senate floor proceedings. The Secretary of the Senate would contract with the Department of Education, which already has experience with closed captioning, to provide this service.
- The resolution would authorize such funds as necessary to pay for this service.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated authorization level	1.0	1.1	1.1	1.2	1.2
Estimated outlays	1.0	1.1	1.1	1.2	1.2

The costs of this bill fall within budget function 800.

Basis of estimate: This estimate assumes that the resolution will be passed by the Senate in time to initiate closed captioning during the last quarter of fiscal year 1989. Assuming this is the case, CBO expects that about \$200,000 would be spent in 1989 from appropriations currently available for other purposes, and thus Senate approval of this resolution is not expected to result in any budget impact in this fiscal year.

For the 1990-1994 period, CBO assumes the estimated amounts authorized will be appropriated. Based on information from the Department of Education, CBO estimates that it would cost about \$1 million in 1990 for closed captioning of approximately 1,200 hours of Senate floor proceedings per year; the estimated authorization levels in subsequent years have been adjusted for inflation.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: James Hearn.
10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration does not consider that passage of Senate Resolution 13 would have any regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes made to Senate Resolution 28 (99th Congress) by Senate Resolution 13, as reported by the Committee on Rules and Administration, are shown as follows (new matter is printed in roman):

SEC. 17. The Secretary of the Senate shall, subject to the approval of the Senate Committee on Rules and Administration, contract with the Secretary of Education to provide closed captioning of the Senate floor proceedings. The Senate authorizes the Secretary of Education to have access to the audio and video broadcast of the Senate floor proceedings for the purpose of captioning. Such funds as may be necessary to carry out the purposes of this section are authorized to be paid from the contingent funds of the Senate.

COMMITTEE VOTE

Senate Resolution 13 was amended and ordered reported by the Committee on Rules and Administration on June 8, 1989, unanimously.

